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JUL 30 2007

OFFICE OF PETITIONS

In re Application of
Benjamin F. James IV et al.
Application No. 10/726,806
Filed: December 3, 2003
Attorney Docket No.: IND-38DIV

ON PETITION

This is a decision on the petition filed July 17, 2007. The petition is title "Petition to Revive" but will be treated under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on June 19, 2007, for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed on March 16, 2007. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on July 11, 2007.

Petitioner asserts that the issue fee transmittal and an authorization to charge the issue were filed by facsimile transmission on June 13, 2007.

In support, petitioner has submitted, *inter alia*, a copy of the issue fee transmittal form with the certificate of mailing or transmission dated June 13, 2007 pursuant to 37 CFR 1.8, and a copy of the Auto-Reply Facsimile Transmission acknowledging receipt by the U.S. Patent and Trademark Office.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3641 for appropriate action on the amendment filed August 3, 2005, a copy of which was submitted December 16, 2005 with the instant petition.

A search of the application file and the USPTO records does not reveal receipt of the

issue fee transmittal but, the petition complies with the requirements set forth in 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment mailed on July 11, 2007, is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is fluid and cursive, with the first name "Patricia" and last name "Faison-Ball" clearly legible.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions